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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.10 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1992/9; E/CN.4/1992/NGO/3; E/CN.4/Sub.2/1991/17)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1992/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1992/61; E/C.12/1988/1; CCPR/C/2/Rev.2; A/46/393)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (E/CN.4/1992/44; E/CN.4/1992/NGO/7; A/46/668, 650 and 503)

1. Mr. SOTIROV (Bulgaria) said that the International Covenants on Human Rights had broadened, strengthened and deepened the commitment of the States parties thereto. In view of their comprehensive and universal character, the positive potential of those international instruments was far from being exhausted and they still furnished a number of directions along which cooperation could be developed. For instance, an important objective was the further universalization of the two Covenants and strict compliance by all States parties with their provisions, as well as the possible withdrawal of the reservations made by some States parties on various important provisions.

2. His own country's fulfilment of its treaty commitments was facilitated by article 5, paragraph 4, of the new Constitution which stated that "Any international instruments which have been ratified by the constitutionally established procedure, promulgated and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise".

3. His Government had changed its position with regard to some of the international treaty bodies. It had recognized the compulsory jurisdiction of the International Court of Justice and the Bulgarian Parliament had ratified the first Optional Protocol to the International Covenant on Civil and Political Rights. Furthermore, his Government intended to accede to the European Convention on Human Rights and to accept the obligatory jurisdiction of the European Court of Human Rights. Bulgaria also expected to become a member of the Council of Europe in the first half of 1992.

4. The possibility of accession to the second Optional Protocol to the International Covenant on Civil and Political Rights was under consideration in both Parliament and the Republic at large. In that connection, no death sentences had been approved since 10 November 1989 and there was a moratorium on executions.

5. Under the new Constitution, every Bulgarian citizen enjoyed the right to freedom of thought, conscience and religion, the right to freedom of expression, the right to peaceful assembly and the right to freedom of association. In January 1992, Bulgarians had, for the first time in their history, freely elected their President. The exercise of democratic pluralism and the irreversible changes taking place in Bulgaria were being realized in a peaceful and calm manner, despite the grave difficulties faced by his country in the transitional period towards true democracy.

6. Bulgarians understood that democracy and development were closely linked and were well aware of the fact that, without further development of the democratic process in the country, it would not be possible to achieve stable socio-economic progress.

7. With regard to the problems connected with the implementation of the International Covenants on Human Rights, reference should be made to the active contribution of Bulgarian non-governmental organizations. His Government highly valued dialogue and cooperation with those organizations and his delegation had met with their representatives prior to the current session of the Commission and informed them of the main agenda items.

8. His Government, which was deeply convinced that the United Nations had significantly increased its role in the search for solutions to global and regional problems, unconditionally supported the strengthening of the humanitarian aspects of United Nations activities which guaranteed the prevention of flagrant and gross violations of human rights and fundamental freedoms.

9. Mr. NZEYIMANA (Burundi) said that his delegation, which had not intervened in the debate on the question of the occupied Arab territories, including Palestine or on that concerning South Africa, fully endorsed the various statements that condemned the various violations of human rights in those areas and the positive measures proposed.

10. Reference had been made by a non-governmental organization to disturbances which had taken place in his country in November 1991. In that connection, he wished to make it clear that they had not involved a confrontation of a generalized discriminatory nature. Refugees had entered Burundi clandestinely from neighbouring countries and a campaign of civil disobedience had been launched. The refugees, who had formed an alliance with some local populations, had carried out attacks with automatic weapons, grenades and knives in some parts of the country, attacking mainly military camps and the police forces. The disturbances had resulted in the death of some 500 persons, between attacked and attackers.

11. Documents found on the attackers and their statements had revealed that they belonged to a movement called "PALIPEHUTO", a tribal association, and that their leitmotif had been ethnic hatred. That aggression, which had all the hallmarks of a terrorist movement, was designed to challenge three objectives of the Government: the policy of national unity; repatriation and resettlement of refugees; and the process of democratic reform.

12. He was able to assure the Commission that the situation was under control, that the population as a whole had rejected the terrorist acts and that steps had been taken to ensure a public and fair trial for the guilty parties. As a member of a human rights league, he had been able personally to follow the development of the situation as a result of an on-the-spot visit and had spoken to relatives of both the victims of the aggression and accused or missing persons.

13. In fact, the people of Burundi had been able to recover from the upheavals that had occurred in previous years through the adoption, in February 1991, of the Charter of National Unity, which was a social covenant for a common life within the framework of a democracy characterized by dialogue, mutual respect, tolerance and respect for human rights and freedoms. His country was thus trying to find a form of democracy by consensus from which no one was excluded and he hoped that the Commission would support the choice it had made.

14. Burundi, like the African continent as a whole, was at a turning point in its history with regard to the democratic process and economic reforms. While 1991 had been the year of national reconciliation, 1992 was to be that of democratic reform, including a referendum in March 1992 on the adoption of the Constitution prepared by a Commission representing various social segments and shades of political opinion; the introduction of political pluralism immediately thereafter; a transitional period characterized by the association of various political groups; and the establishment of definitive institutions following free general elections in the first quarter of 1993.

15. At its forty-sixth session, the General Assembly had decided to add five new countries to the list of the least developed countries, a fact which showed that the enjoyment of economic, social and cultural rights was still a dream for the developing countries in general. Despite reforms undertaken in most of those countries, the traditional problems of economic stagnation and poverty, aggravated by the unfavourable international economic climate, still persisted. Most members of the Commission seemed to agree that it was not acceptable, just or appropriate that the gap between the rich North and the poor South should continue to widen. It was to be hoped that the forthcoming eighth session of UNCTAD would examine that situation in depth.

16. It was true that every country was primarily responsible for its own development and the satisfaction of the basic needs of its people and considerable progress had been made in his country in that regard. With respect to economic reforms, the second phase of a structural adjustment programme with the World Bank had recently been completed and preparations

were being made for the third phase. However, the international community should, in parallel, undertake more boldly and more generously to support the national strategies of the developing countries, in which connection, the Commission should be essentially the moral catalyst.

17. His delegation thanked the Special Rapporteur on realization of economic, social and cultural rights for his second progress report (E/CN.4/Sub.2/1991/17) and encouraged him to continue his study, in particular through consultation not only with international financial institutions but also with certain countries representative of the developing countries, the elaboration of specific guidelines for a basic policy on structural adjustment and economic, social and cultural rights, and the suggestion of a new type of international instrument for the defence of economic, social and cultural rights.

18. Mr. STUART (Australia) said that the elaboration of a framework of international law through the United Nations human rights treaty system was one of the Organization's major achievements and had given substance to the Charter's assertion of the universal applicability of basic human rights and freedoms. In particular, the two International Covenants on Human Rights embodied in a more explicit and obligatory form the standards set out in the Universal Declaration of Human Rights. It was encouraging to hear that there had recently been an increase in the rate of accessions to, and ratifications of, both treaties. However, there was a long way to go and his delegation supported the Under-Secretary-General's intent to make use of the 1993 World Conference on Human Rights and its preparatory process to maximize the number of States parties to the Covenants.

19. There were also several new parties to the first Optional Protocol to the International Covenant on Civil and Political Rights including, since September 1991, Australia. The second Optional Protocol to that Convention had come into force in July 1991. His country had been a party since October 1990 and would welcome the accession in the near future of more countries committed to the abolition of capital punishment.

20. Members of the Commission would be aware of Australia's active interest in the human rights treaty system and the contribution made by some individual Australians to the work of the treaty monitoring bodies, but Australia had never been represented on the Human Rights Committee. However, his Government had nominated Justice Elizabeth Evett, who had been a member of the United Nations Committee on the Elimination of Racial Discrimination and was an eminent jurist, as a candidate for election later in the year to that Committee.

21. Over the past 20 years, the treaty implementation system had grown to the point that there were already seven such monitoring bodies. That growth had brought with it many problems unforeseen by those who had drafted the instruments, problems which the Commission and the Third Committee of the General Assembly, together with the expert bodies themselves, had attempted to address. It was necessary to streamline and improve reporting procedures so as to ensure that the reports provided a substantial account of the record of Governments in meeting their treaty obligations, while preventing the burden on the States parties from becoming excessive.

22. The meetings of persons chairing the human rights treaty bodies in 1988 and 1990 had recommended measures to encourage the submission of overdue reporting, including regular consulations with the representatives of those States parties with seriously overdue reports, an approach had been endorsed by the Commission and the General Assembly. However, only the Human Rights Committee had undertaken such consultations, apparently with some success, and there were still a number of countries which had not even submitted their initial reports, many years after becoming parties. Steps had also been taken to allow Governments to combine overdue reports in order to meet all their reporting obligations and to facilitate dealing with the backlog of unconsidered reports. The problem remained a serious one, with a total of over 100 initial reports currently overdue.

23. The meetings of chairpersons had recommended that the Secretariat should regularly provide technical assistance and advisory services to assist States parties in submitting their reports and Governments considering accession to or ratification of human rights treaties. To his delegation's knowledge, the last training course on reporting organized by the Centre was in 1988, even though several countries had requested such assistance. Moreover, there was little involvement of the treaty bodies in decisions concerning the use of advisory services funds. The United Nations should do more in that area, which would help to improve the quality of reports. His own Government intended to fund a fellowship later in the year for training in reporting procedures an official from a southern African country.

24. The 1988 meeting of chairpersons had recommended that a task force should study computerization of the work of the treaty bodies. The result had been a report (E/CN.4/1990/39) which demonstrated the advantages of a computer-based system. The task-force proposal had been endorsed by the Economic and Social Council and the General Assembly, which had agreed to include the recurrent costs of running a computerized system in the United Nations regular budget. However, the cost of obtaining the appropriate equipment would have to be met by voluntary contributions. His delegation urged that that should be done as soon as possible, as the only realistic alternatives seemed to be neglect of the reporting system or an increased deployment of the Centre's staff to clerical work.

25. The meetings of chairpersons had given high priority to the financial problems faced by the treaty bodies, in particular the Committee on the Elimination of Racial Discrimination and the Committee against Torture, the only two bodies whose operations were not fully funded from the regular budget. The 1990 meeting had thus recommended that amendment of the funding provisions of the two Committees should be considered.

26. The funding provisions in the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families showed that almost all Member States agreed with the representatives of the treaty bodies and General Assembly resolution 46/111 expressly endorsed the chairpersons' recommendation on funding. His Government had, consequently, submitted formal amendment proposals to bring the relevant funding positions of both the Committee on the

Elimination of Racial Discrimination and the Committee against Torture into line with those adopted in the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

27. At their meeting in New York, in December 1991, the States parties to the Convention on the Elimination of Racial Discrimination had decided to accept those changes and had recommended that the General Assembly should approve them at its forty-seventh session. It was to be hoped that a similar result could be achieved at a meeting of the States parties to the Convention against Torture before the forty-seventh session of the Assembly.

28. The level of servicing provided to the committees concerned with human rights seemed to be considerably less than that devoted to comparable ILO and UNESCO bodies. A suitable starting point for assessing the Centre's needs were the General Assembly's decisions on the resources required to service the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. His delegation was also interested in the proposal that there should be a separate budget line for the human rights treaty system.

29. A review of the results of the meetings of the chairpersons showed that there were a number of areas in which more should be done. None the less, the stimulus given to action through the Commission and the General Assembly had been remarkable and more than justified the decision taken by the Assembly at its forty-sixth session to institutionalize the meetings as biennial events.

30. His delegation hoped that, at their 1992 meeting, the representatives of the treaty bodies would adopt recommendations including ways of: promoting interaction between the expert committees and the relevant United Nations organs and specialized agencies and also the non-governmental organizations; ensuring that there was adequate meeting time for the committees; assisting countries with the reporting process and encouraging States to limit reservations to those consistent with the spirit of the convention in question. It would also be useful if the meeting were to begin to consider the long-term future of the treaty system.

31. Mr. ZHAN Daode (China) said that his delegation recognized that certain factors at the international level continued to hinder realization of the right to development. The individual's right to development was not just an economic objective: it was a comprehensive process which covered the economic, social, cultural and political fields and their associated rights, which were interdependent and indivisible.

32. The right to development should be regarded primarily as a collective right, in that the experience of nations had shown that the individual could not genuinely develop unless freed from the pressures of racism, colonialism and foreign aggression. Development should not benefit the few rather than the many. The dimension of social justice was also essential therefore to the right to development and the right thus constituted a combination of collective and individual rights which were mutually complementary and indivisible.

33. The implementation of those rights was a long-term objective of the international community. Each State should work out its own development, guidelines and policies in accordance with its own priorities and without outside interference.

34. At the same time, external factors should not be ignored. Violations of the principle of sovereignty continued to occur, and the right of peoples to self-determination had yet to be universally achieved. Moreover, an unfair international economic order had led to a situation in which the gap between North and South had widened and the problems created by debt-servicing, insufficient capital inflow and lack of technology-transfer had continued to worsen.

35. In conclusion, he said that the fact that one third of the population of the developing world lived below the poverty line was itself evidence that the right to subsistence and development were fundamental. Unless economic development narrowed the gap between the rich and the poor, the concept of fundamental human rights and freedoms would prove to be an empty aspiration. He therefore hoped that all Governments, in cooperation with the Commission, would endeavour actively to establish conditions which would bring about early implementation of the right to development.

36. Mr. BLACKWELL (United States of America) said that, while his country believed strongly in the importance of development, it was also convinced that the underlying issue was how development could best be promoted, and what rights should be constitutionally protected in order to achieve that goal.

37. The experience of the United States was that a limited Government that constitutionally protected political and civil rights created the most propitious environment for development. That did not mean that his Government regarded the specific principles enshrined in the Covenant on Economic, Social and Cultural Rights and in the Universal Declaration of Human Rights as unimportant. Indeed, some of those principles - such as the right to own property and the right to join a trade union - were incorporated in United States law. However, his delegation believed that political and civil rights were the foundation on which the economic and social welfare of the individual should be constructed.

38. Other countries had adopted a different approach, whereby the Government was the principle guarantor of economic rights. The problem with such a view, aside from its impracticability, was that such rights were often used as a pretext for disregarding other fundamental human rights and freedoms. All too often, Governments that had affirmed a collective right to development in their constitutions had curtailed the individual's human rights in the interests of guaranteeing a prescribed level of economic development.

39. The result had been economic stagnation and frustration of the very aim those Governments purportedly sought to promote. In effect, the right to development had resulted in the reality of underdevelopment. Moreover, in all too many cases, such collective rights as the right to employment and the right to health care had been extended only to the favoured few, as the people of Eastern Europe and the former Soviet Union knew only too well.

40. Despite the democratic principles subsequently espoused in those countries, their peoples were well aware that they had a long way to go before their economies could experience real growth. They also knew that economic development could not be achieved without hard work and the application of appropriate economic policies.

41. Limited government and democracy did not of themselves ensure success, but they did provide the best opportunity for private initiative and the best conditions for economic progress. His delegation was not advocating a return to an outdated laissez-faire society; although a free society could not ensure equality of condition if it wished to remain free, it did have an obligation to promote equality of opportunity. That was the goal to which the United States aspired, through its agencies at the federal, State and local level, and also through the actions of private citizens.

42. His Government did not consider development to be a civil or political right and felt that there were other forums in the United Nations where that approach might be more fully explored, such as the Second Committee of the General Assembly and the United Nations Development Programme.

43. The issue was undoubtedly a crucial one, in view of the expected world population increase. Expanded and rapid development was not only a goal in itself: it was essential to ensure that people did not go hungry, with all the adverse attendant consequences for social stability and civil society. The best way to avoid such a disaster was to establish generally accepted concepts of human rights, regardless of language, race, nationality and background.

44. Mr. GRILLO (Colombia) said that the modern democracies were endeavouring to consolidate political systems based essentially on human rights. To that end, they had developed machinery to ensure the exercise of those rights. It had become generally recognized, moreover, that all human rights and freedoms were indivisible and interdependent, and equally in need of practical implementation. The interdependence between civil and political rights, on the one hand, and economic, social and cultural rights on the other was currently synthesized in the concept of the right to development.

45. The report of the Secretary-General on the effective implementation of the right to development (E/CN.4/1992/10) clearly pointed to the need for further study of the whole issue, with a view to establishing the elements which would make it possible to implement the relevant resolutions of the Commission and the General Assembly. It would be appropriate to hold an expert group meeting to collect the necessary information so that the World Conference on Human Rights could deal with the topic effectively.

46. In that connection, he suggested that a working group of experts should be set up at the Commission's current session to carry out an analysis of the new challenges connected with the right to development and to submit recommendations to the World Conference.

47. Mr. ELLOUZE (Observer for Sao Tome and Principe) said that, after a year of wide-ranging political debate following the collapse of the single-party system in his country, free elections had been held, resulting in a convincing

victory, achieved by purely peaceful means, for the forces of democratic consensus. The new Government was committed to meeting the basic needs of the population, and to ending the vicious circle of poverty and underdevelopment. It wholeheartedly encouraged the cooperation needed to bring about the implementation of human rights, particularly the right to development, which was the cornerstone of the entire structure of civil, political, economic, social and cultural rights.

48. Mr. ROCHAT (Centre Europe - Tiers Monde), referring to allegations of human rights violations committed by the United States of America during the Gulf conflict, said that the United States had admitted dropping 88,000 tons of bombs in the course of 110,000 air attacks against Iraq - seven times the explosive power of the atomic bomb that had destroyed Hiroshima. The civilian infrastructure had been the primary target. As first reported, the air raids had caused the destruction of between 10,000 and 20,000 houses, and had killed 25,000 men, women and children. The Jordanian Red Crescent estimated the number of civilian dead at 113,000, of which 60 per cent had been children, during the week before the war ended. According to current estimates, between 200,000 and 250,000 people had died, half of them civilians. The exact figures would probably never be established.

49. The conclusion to be drawn was that the United States had been responsible for massive violations of human rights. The violation of international law of which the Government of Iraq was itself guilty had served as a pretext for those reprisals, but the United Nations should not allow itself to be a party to ambivalent concepts of justice.

50. His delegation accordingly suggested that the reports and conclusions of the Clark Commission on the Gulf war, and their potential implications, should be examined at its current session by the Commission, which should draw its own impartial conclusions as to their validity; that the Commission should determine whether Iraq should bear the sole responsibility for reparations to Kuwait and that the Commission should speak out against the embargo on the supply of necessities to the population of Iraq and to civilian activities in that country. He also urged the Commission to consider the fate of the thousands of conscientious objectors and deserters who had refused to participate in the operations carried out by the coalition, and the equity of the proceedings in the United States military courts against soldiers accused of treason.

51. Mrs. BEYELER (International Movement ATD Fourth World), said that the Commission had come to accept that extreme poverty was a form of violation of human rights and was attempting to develop a new understanding of the link between that condition and the exercise of all human rights. Year by year, its resolutions on human rights and extreme poverty were expressing more precisely the need to come to grips with the reality of the lives of those subsisting in such conditions and to take effective measures to ensure the recognition and protection of their human rights. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had already prepared a number of studies which recognized the link between the enjoyment of human rights and the eradication of poverty.

52. The international community was only too aware of the unending string of disasters and the suffering endured daily by the poorest of the poor throughout the world. Entire families lived in the streets, in tents, in makeshift shelters, in cemeteries, in containers, in welfare hotels and other temporary lodgings. Children set off alone in search of food or some menial job for survival, with their families not knowing whether they would ever see them again. The poverty-stricken served as a reminder that respect for the dignity of every human being was the foundation-stone of human rights and that the recognition of the inalienable dignity of the most disadvantaged in society was indispensable to the genuine protection of human rights. They had increased the international community's understanding of the indivisibility of human rights and had clarified the link between rights and responsibilities, since persons who lived in abject poverty could not fulfil their responsibilities as parents and citizens or function as partners in the life and development of their communities.

53. However, since her organization had informed the destitute of the efforts being made by the Commission on Human Rights, new hope had been born in them. Accordingly, persons from the remotest parts of the globe had sought by all possible means to communicate their experiences to the Commission on Human Rights in the belief that, if the world knew what they were experiencing, then things would change for their children. Her organization had received heart-rending testimonies from numerous countries of the world, including countries of Eastern Europe and the Caribbean.

54. It was the poorest classes which bore a disproportionate share of the cost of change. The international community must give serious consideration to their role in future development, reconstruction and in the new democratic societies. The Commission, in particular, must work to ensure that they were not excluded from the future and to promote greater understanding of the phenomenon of extreme poverty, the social exclusion to which it gave rise, and the means to be employed to combat it.

55. Ms. BRON (World Organization against Torture) said that the profound social problems resulting from the global economic crisis, which affected most severely the disadvantaged sectors of the populations of developing countries, often led to extreme forms of violence against those seeking to satisfy their essential needs. Even in countries with democratic systems, violence occurred and would continue to do so until existing social and economic conditions changed.

55. There were four situations, in particular, regarding which her organization received regular reports: violence against marginalized urban populations, including grave violations of the fundamental rights of street children; violence against peasant populations, particularly indigenous peoples and subhuman conditions of detention.

57. In many Latin American countries, virtual "social cleansing" operations were undertaken against the poorest urban sectors by paramilitary groups which did not hesitate to employ the most barbaric methods to stem the incidence of crime resulting from the collapsing social structures. In addition to such

extreme cases as the physical elimination of persons, marginalized populations were subjected daily to violence and ill-treatment on the part of the security forces, who often acted with total impunity. In particular, millions of children surviving on their own in the streets of the cities, without the benefits of schooling, social services, or even proper food, were subjected, in many countries, to severe abuses such as torture, ill-treatment and, increasingly, physical elimination. They were often used in prostitution, drug trafficking and for slave labour.

58. Also of grave concern was the situation of the peasant and indigenous communities in Latin America, whose fight for a more equitable distribution of the land and for respect for rural workers and indigenous communities gave rise to various forms of human rights violations, including arbitrary arrest, torture and murder. In the previous year, her organization had received 130 complaints of atrocities against landless peasants, including 13 cases of massacres.

59. As for the inhuman conditions of imprisonment in many developing countries, such situations might also be attributable in certain cases to the absence of adequate infrastructure and the difficult economic situation of the countries concerned. Several cases of death in detention due to lack of food and attention had been reported in a number of African countries, particularly Nigeria and Kenya. In Nepal, the incarceration of mentally ill patients in prisons, owing to the lack of hospital facilities, had led to a large number of human rights abuses. In India, many children were still detained in adult prisons and were ill-treated by their fellow prisoners.

60. In all those situations, precarious socio-economic conditions, the inequitable distribution of resources and the existence of endemic poverty could be regarded as the factors responsible for serious violations of human rights. That situation had been compounded by the implementation of structural adjustment policies, decreed by the international financing institutions in disregard of their social costs for the people, since many indebted countries had chosen to eliminate vital social programmes. By accentuating the marginalization of the most disadvantaged sectors, the adjustment measures exacerbated social tensions, resulting in an infernal cycle of revolt and repression, which could be ended only by bringing about major improvements in the socio-economic situation.

61. Recent developments had forced the international community to rethink its traditional strategies for ensuring respect for human rights. It had previously been thought that the advent of liberal democratic models would bring in its wake the enjoyment of human rights. It had become clear, however, that formally democratic regimes were incapable of protecting the lives and physical integrity of their citizens, despite constitutional guarantees, free elections, modern penal codes and a strict separation of powers.

62. In the view of her organization, the Commission on Human Rights should attach high priority to the elaboration of new strategies aimed at ensuring integral respect for human rights, which could include requests to the specialized agencies dealing with economic and social matters to take greater

account of the social and human costs of the policies which they advocated and to devise specific measures to prevent the burden of the adjustment process from being disproportionately borne by the most disadvantaged sectors of society.

63. She wished to draw particular attention to the case of Burundi, a country plagued by periodic violence between the rival Tutsi and Hutu ethnic groups. It was vitally important that financial assistance to Burundi should be made conditional upon the reduction of ethnic discrimination in the country and her organization was astonished to see that assistance to the Government of Burundi continued without restrictions or conditions, even though fresh massacres had been reported in November 1991. While aid should not be used as a sanction and suspended when Governments did not respect their commitments in the field of human rights, she suggested that it should be redefined in such a way that, by attacking the root causes of violence, it could help to bring about genuine improvements in the observance of human rights. In short, economic development and human rights policies should be coherent.

64. Ms. CHEVAS (Commission for the Defence of Human Rights in Central America) said that her organization based its work on the concept of the indivisibility of human rights and was therefore concerned by the poverty that characterized the lives of large sectors of the Central American population, resulting in part from the economic and social policies which the States in the region had adopted at the urging of the international financial institutions. The economic, social and cultural rights of the people of the region were being violated by the adoption of structural changes which, far from promoting those rights, had impoverished the population even further through the resulting unemployment and underemployment and the unavailability of social services.

65. Additionally, in a number of countries, Governments allocated a disproportionate share of economic resources to the armed forces, to the detriment of the rest of the society, thereby failing in their responsibility to provide social security and public services and to observe the provisions contained in international human rights instruments. The resulting widespread violations of human rights constituted a threat to the fragile stability of the democratizing process in the region.

66. No other region in the developing world offered such a dramatic contrast between the rich and the poor, a gulf which had given rise to a number of conflicts. High unemployment and low minimum wages meant that nearly half of the population was below the poverty line. In general, the highest incidence of poverty was to be found in the rural areas, where indicators for malnutrition and infant mortality varied between 51 and 70 per cent, owing to the absence of adequate State programmes for those sectors.

67. In the case of predominantly agricultural countries, policies devised by international financial agencies to stimulate the production of non-traditional crops posed a serious threat to the production of staple foods. They resulted in rural unemployment and underemployment with a consequent flight from the land and a weakening of the control of the region's

peoples over their food supply, thereby contributing to the violation of economic and social rights. That situation was compounded by the fact that approximately half a million families in Central America, or 30 per cent of the rural population, lacked access to land and thus to a means of subsistence.

68. The alarming socio-economic situation in Central America was a destabilizing factor in the search for peace. The aspiration of the Central American peoples to lay the foundations for a new democracy therefore went beyond the valuable freedoms which they had so far won and required the genuine participation of civilians in decision-making and in establishing the conditions of social justice so as to protect and enjoy their economic, social and cultural rights.

69. The right to development should take the form of an integral process aimed at achieving well-being for the population through the equitable distribution of the resources of the countries of the region. It was meaningless to speak of the right of the Central American peoples to development if they could not exercise their right to self-determination and sovereignty over their resources for the well-being of their populations, within the framework of an economic order that sought to establish new forms of international cooperation.

70. Her organization was deeply concerned at the large number of national and international obstacles in the way of the genuine participation of the Central American people in an integral process of development. The denial of economic, social and cultural rights and the limited possibilities that existed in the region for their implementation, promotion and protection was responsible for the extreme poverty in which those people lived. Their social exclusion reflected not only the denial of economic, social and cultural rights but also their lack of effective participation in the so-called democratic process in Central America.

71. That situation was due to the historical development of Central America whereby wealth was concentrated in one sector of the society, thereby giving rise to profound social inequalities. Another historical factor had been political interference by the United States. Moreover, in most of the countries of the region, civilian society was subordinated to the military which was linked with the economically dominant sectors and thus reluctant to modify the socio-economic structures.

72. The implementation of structural adjustment programmes, imposed on the countries of the region by the international financial institutions, resulted in the privatization of social institutions and services in the areas of health, education and banking, and led to mass dismissals of State and private sector employees, expansion of the informal sector, unemployment and underemployment. The economic measures which countries were forced to adopt to meet their external debt payments also violated the economic and social rights of the region's peoples.

73. Development with a human face in Central America required that development strategies take account of the most vulnerable groups, such as women, refugees, the informal sector, indigenous populations, and children.

Indeed, the right to development had become a determining factor in the process of democratization and peace in the region, since only development could bring about decent living conditions for the peoples of Central America and respect for their human rights. The development model should provide for genuine participation in decision-making on economic and social policies and for greater access to health and education as well as freedom and a satisfactory physical environment.

74. The developed countries bore a greater share of the responsibility for promoting international cooperation within an economic order characterized by social justice between the countries of the first world and those of the third world since the third-world countries had sacrificed their possibilities for development by transferring an inordinate share of their resources to the developed countries by way of external-debt repayments and the extraction of their riches, in clear violation of their rights as peoples. At the international level, the countries and international financial institutions that controlled the world economy had a moral and legal responsibility to establish adequate channels for the participation of the various social actors in the elaboration of development strategies for the Central American region.

75. Mr. FREDERICK (Service, Peace and Justice in Latin America) said that the economic and social dimension of human rights was an essential factor in consolidating democracy. Unfortunately, in the developing countries human rights were far from being fully respected. The main effect of "neo-liberal" economic policies had been to relegate more than half of the population of Latin America to the margins of society.

76. Privatization of the major State enterprises, servicing of the external debt and the destruction of local means of production had made the crisis the worst in the continent's history. A preponderant role in that situation had been played by such United Nations bodies as the International Monetary Fund and the World Bank, which continued to use the external debt as a means of applying pressure and imposing economic policies that could be implemented only by reducing budgetary allocations designed to meet the needs of the general population.

77. Latin America continued to export capital to the developed world, which showed a complete absence of solidarity. In 1990, Latin America's external debt payments had exceeded US$ 36 billion. For Latin Americans, the "new order" had meant a transition to the most ferocious capitalism and a deterioration in the health of the population: owing to the terrible sanitary conditions in areas of worsening urban poverty, cholera epidemics had broken out for the first time in 100 years.

78. Paradoxically, while most countries of the region had returned to democratic systems of government in the 1980s, the same period had been a lost decade from the economic and social point of view; in 1990, Latin America had been the region with the world's worst economic development.

79. Equitable economic conditions, health care, education and a sharing of the national wealth were essential to ensuring the right to development. Participation in the political and economic decision-making process was a prerequisite for any democratic system that took the needs of the population seriously.

80. There could be no respect for human rights when economic adjustment policies were infringing upon social and economic rights, and no democracy as long as budgetary allocations for education and health were being eroded and the living conditions of the poorest segments of the population continued to deteriorate. The right to development was just as important as other human rights. The Commission must ensure respect for the right to development by introducing new measures, which the International Monetary Fund, the World Bank and Governments must implement.

81. Ms. MORRIS (Human Rights Advocates) said that human rights organizations and Governments had focused on the violations of the civil and political rights of Tibetans at the hands of the Chinese occupying authorities, but the violations of their economic, social and cultural rights were so serious that they could lead to the extinction of the Tibetans as a people or reduce them to an insignificant minority in their own country. That alarming situation resulted in large part from China's population transfer policy.

82. Millions of Chinese settlers had been and were still being moved into Tibet. Population transfer, including the implantation of settlers and settlements, had been recognized by the Sub-Commission on Prevention of Discrimination and Protection of Minorities as affecting the basic human rights and freedoms not only of the people being moved or removed but also of the original inhabitants of the territory into which settlers were being implanted (E/CN.4/1992/2, resolution 1991/28). The Sub-Commission had also noted that the practice could even constitute genocide.

83. The International Conference on Human Rights Dimensions of Population Transfer, held at Tallin in January 1992 by the Unrepresented Nations and Peoples Organization (UNPO), had highlighted the magnitude of the problem and condemned population transfer as a violation of human rights, which might possibly constitute a crime against humanity (UNPO communiqué, Tallin, 13 January 1992). That conclusion had been reached after considering the transfers of many groups of people throughout the world by many Governments.

84. In Tibet and East Turkestan, the Chinese settlers already outnumbered the indigenous Tibetan and Uighur population while, in Inner Mongolia, the indigenous Mongolian population had been reduced to a small minority. That policy of demographic aggression not only violated the right to self-determination but was also prejudicial to the cultural, economic and social situation of those peoples.

85. The large influx of Chinese into Tibet had excluded Tibetans economically, with the Chinese enjoying the typical privileges of colonialists in colonized lands. The rich and unique Tibetan culture, which had been almost entirely destroyed before and during the "Cultural Revolution", was again under threat from by Chinese assimilationist policies. The Chinese did

not consider the Tibetan culture and language worth preserving and were trying to stamp them out. The constant attacks on Buddhism, so essential to Tibetan life, must be regarded as an assault against the country's culture. Economically speaking, the Tibetans were second-class citizens, their standard of living, literacy, housing and employment levels being much lower than those of the Chinese.

86. As the example of Tibet illustrated, in any assessment of the overall human rights situation in a country, civil and political rights must be seen as being inextricably linked to economic, social and cultural rights.

87. Mr. REZENDE (International Federation of Human Rights), parish priest of Rio Maria in northern Brazil, gave an account of human rights violations there in connection with land conflicts and forced labour. The Pastoral Land Commission (PLC) of which he had been coordinator, had counted 681 summary executions between 1964 and 1991 in connection with land conflicts. During that period, only 24 sentences had been passed on 14 criminals for those offences. The PLC had reported many cases of human rights violations related to land conflicts, such as expulsions, arbitrary detentions, demolition or burning of peasant houses and villages by agents of the big landowners or the military police, sexual assaults and torture.

88. Between 1980 and 1991, the PLC had reported 3,144 cases of forced labour on 32 large properties in the southern part of the State of Pará. In 1991, 53 of those persons had been murdered and four had disappeared. At the national level, the PLC had counted 8,886 persons subjected to forced labour over the past four years. Attracted by promises of good working conditions and wages, the victims were forced to labour in inhuman working conditions under the guard of armed men. They often fell ill with malaria. For their work, they received nothing but food. If they tried to escape, they were murdered. If they were captured, they were severely beaten.

89. Despite the numerous reports by the PLC, the Government of Brazil had taken no preventive measures and exercised no real control over working conditions although, under the Brazilian Constitution, questions of forced labour fell within the competence of the Federal Government.

90. On 30 April 1986, he had accompanied a group of bishops which had asked the President of the Republic to protect Father Josimo Morais Tovares, who had been the target of death threats. No action had been taken to protect him, however, and 10 days later Fr. Tovares had been murdered. At the end of April 1990, he had himself appealed to the Minister for Justice to protect Expedito Ribeiro de Sousa, the President of the Rio Maria Trade Union, who had also been threatened with death. Mr. de Sousa had been murdered on 2 February 1991. He had himself been the target of several attempts on his life, but his complaints at the local police station had not been followed up. Many other labour leaders and lawyers had been murdered or wounded in assassination attempts. The perpetrators of those murders had rarely been brought to justice.

91. The Commission on Human Rights had also a role to play in helping to implement the Declaration on the Right to Development. It must strengthen its special procedures and denounce States which, like Brazil, denied respect for the basic rights which were essential to the realization of the right to development.

92. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that education was at the heart of the human dimension of development and must become a priority for government policy. Unfortunately, that had not been the case in recent years, the funds allocated to education having fallen in a large number of countries. The virtual absence of discussion on the right to education within the Commission gave cause for concern. Education, which was in a state of institutional crisis almost everywhere, was a human right.

93. The first stage in remedying that situation must be to work towards the effective realization of the right to quality education for all. Education was a concern of society as a whole and could not be left exclusively to the State. Although financial resources were important, improved education depended much more on political will and attitudes. It was important to enlist the aid of those associations, foundations, cultural and religious institutions and cooperatives that were prepared to take on educational responsibilities.

94. The State monopoly of the educational system infringed upon the human right to education which, in a democratic society, could not be dissociated from the right to choose one's school. Free men and women could not be properly educated in a system almost completely under State control.

The meeting rose at 12.55 p.m.